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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214849
Party	Defendant Syed Ali Hasan
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Date	10/20/2014
Attachments	Answer 91214849.pdf(124225 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD,

Apple v Hasan

Opposition No. 91214849

ANSWER:

Syed Ali Hasan. App. Ser. No. 85/866375

“IC 042: Computer software development in the field of mobile applications for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services; Providing a website featuring technology that enables users to download applications for ordering food from restaurants and medicine from pharmacies, purchasing event tickets, and booking appointments for services; Software as a service (SAAS) services featuring software for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services; Software as a service (SAAS) services, namely, hosting software for use by others as an internet and mobile application platform for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services” <among other ideas in their vision/development stage>

- ❖ “It’s an app for that” describes a “single” application <web and mobile>
 - ❖ app in its finished iteration seeks to solve the app clutter problem
 - ❖ will allow a user to complete various types of transactions and services from a single app
 - ❖ is NOT an App store that sells or offers free downloads of different applications
 - ❖ is a SINGLE FREE downloadable app available from Apple App Store and Google Play
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Apple Inc.: Reg. Nos. 4,091,498 & 3,884,408

“IC 042: Maintenance and updating of computer software; providing information concerning computer software via the Internet and other computer and electronic communication networks; providing search engines for obtaining data via communications networks; providing temporary use of computer software and online facilities to enable users to access and download computer software; providing online non-downloadable computer software that generates customized recommendations of software applications based on user preferences. FIRST USE: 20090126. FIRST USE IN COMMERCE: 20090126”

- ❖ “there’s an app for that” describes millions of apps available on Apple app store
- ❖ allows a user to download a VARIETY of apps from their app store
- ❖ speaks to the “choices” available in various verticals to the consumer
- ❖ does NOT describe a single app that allows users to complete various activities from it

No convergence: I am not competing with Apple, Inc. services and there is no likelihood of confusion between the marks, because the services offered are not related or marketed in a

similar manner. There are no converging marketing channels, no relationship in the use, promotion, distribution or sales between services described in the “it’s an app for that” claim and Apple’s products or services associated with its “there’s an app for that”

The degree of similarity required to support a finding of likelihood of confusion depends in part upon the similarity in the relevant goods or services. If the relevant goods or services are identical, a lesser degree of similarity between the marks is required for confusion to be likely, which is clearly not the case.

Therefore, Apple Inc. claim of possible infringement is unfounded. Furthermore, due to the established credentials of “there’s an app for that” as the marketing/pr line for Apples app store <not for one single app> in the general public’s psyche, leaves no room for confusion that “it’s an app for that” has anything to do with Apple Inc.

A number of unique respondents I have personally polled over time with regard to the use of this line replied in the affirmative about the uniqueness and overall value proposition it represents.

Sincerely,

Ali

CEO&Founder

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Signed 10/18/14

/Syed Ali Hasan/